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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,647	03/01/2002	Norman H. Cohen	YOR920010781	3703

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THE LAW OFFICE OF IDO TUCHMAN
69-60 108ST., SUITE 503
FOREST HILLS, NY 11375

EXAMINER

ALI, SYED J

ART UNIT	PAPER NUMBER
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2195

DATE MAILED: 04/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/087,647	Applicant(s) COHEN ET AL.	
	Examiner Syed J. Ali	Art Unit 2195	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the amendment filed January 27, 2006. Claims 1-25 are presented for examination.

2. The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior office action.

Claim Rejections - 35 USC § 102

3. **Claims 1-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Marshall et al. (US 2002/0087665) (hereinafter Marshall).**

4. As per claim 1, Marshall teaches the invention as claimed, including a system for rebinding a binding expression to a new network resource, wherein a data specification describes a resource required by the binding expression (paragraphs 0018, 0040), the system comprising:

a data resolution service configured to discover network resources that satisfy the data specification (paragraphs 0018, 0022, 0057); and

means for rebinding the binding expression to the new network resource when the data specification changes (paragraphs 0022, 0037, 0046).

5. As per claim 2, Marshall teaches the invention as claimed, including the system of claim 1, wherein the data specification is computed at least partially from received data (paragraphs 0038, 0040).

6. As per claim 3, Marshall teaches the invention as claimed, including the system of claim 1, wherein the means for rebinding receives announcements of changes in a currently bound network resource (paragraph 0043, 0058).

7. As per claim 4, Marshall teaches the invention as claimed, including the system of claim 3, wherein the data resolution service communicates the announcements to the means for rebinding (paragraph 0058).

8. As per claim 5, Marshall teaches the invention as claimed, including the system of claim 1, wherein the means for rebinding initiates rebinding according to programmer-specified criteria in response to the announcements (paragraph 0022).

9. As per claims 6, 7, and 8, Marshall teaches the invention as claimed, including the system of claims 1, 3, and 5, wherein a resource descriptor describes a currently bound network resource (paragraphs 0038, 0043, 0058).

10. As per claim 9, Marshall teaches the invention as claimed, including a method for rebinding a binding expression to an appropriate network resource in a network, the binding expression being associated with a data specification describing the data at the binding expression (paragraphs 0018, 0040), the network including a current network resource

(paragraph 0031), and the network resources including at least one resource property (paragraph 0038), the method comprising:

obtaining a list indicating potential appropriate network resources and selecting an appropriate network resource from the list (paragraphs 0018, 0022, 0057); and

rebinding the binding expression to the appropriate network resource (paragraphs 0022, 0037, 0046).

11. As per claim 10, Marshall teaches the invention as claimed, including the method of claim 9, further comprising receiving an announcement of a change in the current network resource (paragraphs 0043, 0058).

12. As per claim 11, Marshall teaches the invention as claimed, including the method of claim 10, further comprising requesting the list upon receipt of the announcement (paragraphs 0056-58).

13. As per claim 12, Marshall teaches the invention as claimed, including the method of claim 9, further comprising determining whether the current network resource is no longer appropriate (paragraph 0058).

14. As per claim 13, Marshall teaches the invention as claimed, including the method of claim 9, further comprising evaluating the data specification upon a request for a current value of the binding expression (paragraphs 0043, 0057).

15. As per claim 14, Marshall teaches the invention as claimed, including the method of claim 9, further comprising requesting the list upon a change in the value of the data specification (paragraphs 0022, 0043, 0057).

16. As per claim 15, Marshall teaches the invention as claimed, including the method of claim 9, further comprising obtaining an access port for the appropriate network resource (paragraph 0057).

17. As per claim 16, Marshall teaches the invention as claimed, including the method of claim 9, further comprising if an error occurs, rebinding the binding expression to an error source (paragraphs 0022, 0037, 0046, 0058).

18. As per claim 17, Marshall teaches the invention as claimed, including the method of claim 9, wherein selecting the appropriate network resource further comprises determining the appropriate network resource according to programmer-specified criteria (paragraph 0057).

19. As per claim 18, Marshall teaches the invention as claimed, including a system for rebinding a binding expression to an appropriate network resource in a network, the binding expression being associated with a data specification describing the data required at the binding expression (paragraphs 0018, 0040), the network including a current network resource

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(paragraph 0031), and the network resources including at least one resource property (paragraph 0038), the system comprising:

a data resolution service configured to provide a list indicating potential appropriate network resources (paragraphs 0018, 0022, 0057); and

a port manager configured to provide an access port to the appropriate network resource such that the binding expression rebinds to the appropriate network resource via the access port (paragraphs 0022, 0037, 0046, 0057).

20. As per claim 19, Marshall teaches the invention as claimed, including the system of claim 18, further comprising a binding module configured to select the appropriate network resource from the list indicating potential appropriate network resources (paragraphs 0018, 0022, 0057).

21. As per claim 20, Marshall teaches the invention as claimed, including the system of claim 19, wherein the data resolution service sends an announcement to the binding module when a change in the resource property of the current network resource occurs (paragraph 0043, 0058).

22. As per claims 21-25, Marshall teaches the invention as claimed, including a computer program product embodied in a tangible media comprising computer readable program codes coupled to the tangible media for performing the method of claim 9, wherein the tangible media comprises one of a magnetic disk, an optical disk, a propagating signal, and a random access memory device (Fig. 1, wherein the claimed media are well known to be within the class of tangible storage media).

Response to Arguments

23. **Applicant's arguments with respect to the rejection of claims 1-25 under 35 U.S.C. § 112 have been fully considered and are persuasive. The rejection has been withdrawn.**

24. **Applicant's arguments with respect to the rejection of claims 1-25 under 35 U.S.C. § 102 have been fully considered but they are not persuasive.**

25. Applicant argues that the claimed invention is directed to ensuring that binding expressions *"remain bound to data sources whose properties meet current requirements,"* whereas Marshall *"is concerned with managing names of resources, and dependencies among resources, before a resource is deployed."* Applicant continues by asserting that Marshall *"has a primitive notion of 'resolving' a resource"* before discussing the details of the rebinding process disclosed in Applicant's specification. Accordingly, Applicant submits that the claims are distinguishable from Marshall, alleging that Marshall fails to teach "rebinding a binding expression to a new network resource, wherein a data specification describes a resource required by the binding expression."

26. Examiner respectfully disagrees with Applicant's characterizations of Marshall, and submits that the claim language is broader than the arguments would suggest. First, it is Examiner's position that Marshall does teach a binding expression that ensures it remains bound with a resource in order to meet current requirements. That Marshall does this by managing names of resources and dependencies among resources is immaterial. Marshall utilizes a

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resource specification, specifying a resource ID, version ID, or other identifier, to bind a resource to the entity requiring usage of the resource (paragraph 0022). When the resource goes out of service or the specification changes, methods are provided for managing changes of the resource state to ensure that the requesting entity remains bound to a resource that can satisfy the needs of the requesting entity (paragraphs 0058, 0061, 0100). This effectively “rebinds” to the new network resource, wherein the “new” network resource may be discovered when the resource is updated or the data specification is updated.

Applicant’s argument that Marshall “*does not teach or suggest a data resolution service configured to discover network resources that satisfy the data specification*” completely overlooks the manner in which Marshall provides a resource to a requesting entity. A resource specification is provided that is used to retrieve a resource resolution mechanism, which in turn locates a resource that meets the specified requirements (paragraph 0057). Thus, it is clear that Marshall teaches the claimed features. Any differences in mode of operation between the claimed invention and Marshall must be within the scope of the claim in order to traverse Marshall. For example, Applicant points out the details of the resolution service, alleging that these features overcome Marshall. However, the claim broadly recites nothing more than “a data resolution service configured to discover network resources...” Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181 (Fed. Cir. 1993). Therefore, the details of the resolution service, as defined in the specification, are not given limiting weight, but are rather considered broadly such that any resolution service that discovers network resources reads on the claim language. Applicant limits the claims to the description in the specification in numerous

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instances, failing to account for the fact that Marshall reads on the actual claim language, which is presented quite broadly.

Conclusion

27. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed J. Ali whose telephone number is (571) 272-3769. The examiner can normally be reached on Mon-Fri 8-5:30, 2nd Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai T. An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Syed Ali
April 3, 2006



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